

FISCAL NOTE

HB 178 - SB 1176

March 5, 2007

SUMMARY OF BILL: Increases penalty for statutory rape by an authority figure from a Class C to a Class B felony.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$922,900 / Incarceration*

Assumptions:

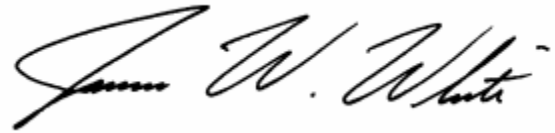
- Under existing statute, statutory rape by an authority figure is a Class C felony and persons convicted of this offense are not eligible for probation or judicial diversion.
- The offense of statutory rape by an authority figure was enacted in 2006. Since there are not sufficient data on this offense, the Department of Correction (DOC) is utilizing data regarding sexual battery and sexual battery by an authority figure.
- In FY05, there were 54 admissions to DOC for sexual battery offenses and 14 for sexual battery by an authority figure offenses. This estimate assumes the same percentage (20.6) would be true for statutory rape. In FY06, there were 122 persons admitted for statutory rape and 25 (122 x 20.6%) would be charged with the Class B felony of statutory rape by an authority figure.
- According to the U.S. Census Bureau, population growth in Tennessee has average 1.09 percent per year for the past 10 years. Population growth will result in three additional offenders serving an additional 1.5 years (an increase for a Class C felony at 0.9 years to a Class B felony at 2.4 years). According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 28 offenders serving an additional 1.5 years. The cost per inmate at 0.9 years is \$19,776.40 (\$60.16 x 328.73 days). The cost per inmate at 2.4 years is \$52,736.26 (\$60.16 x 876.60 days). The additional cost from increasing the average sentence length from 0.9 years to 2.4 years is \$32,959.86 (\$52,736.26 - \$19,776.40). The total additional operating cost for 28 offenders is \$922,876.08 (\$32,959.86 x 28).

HB 178 - SB 1176

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive, flowing style with a large initial "J" and "W".

James W. White, Executive Director